

REMARKS

I. 35 U.S.C. § 102

Claims 1, 6 and 12 stand rejected as being anticipated by U.S. Patent No. 5,158,293 to Mullins. For the reasons set forth below, applicant disputes the Examiner's position.

"Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Applicant has amended independent claims 1, 6 and 12 to more concisely define the present invention.

It is noted that claim 6 appears to be rejected under U.S. Patent 6,056,289 to Clapper, Jr., as opposed to Mullins. Specifically, the Examiner refers to vouchers [76] and Fig. 7 neither of which are mentioned in Mullins but are present in Clapper, Jr. Accordingly applicant discusses Clapper, Jr., within this response to the Examiner's section 102 rejection.

More particularly, independent claims 1, 6 and 12 have been amended to clarify that both sections of the lottery ticket comprise a game of chance. The first game of chance being directed to the state lottery prize and the second game of chance being directed to the non lottery party prize (e.g., casino amenities) wherein prizes are associated and redeemed by the non lottery party. To the contrary, Mullins discloses a lottery ticket having a lottery instant portion and a lottery jackpot portion. In other words, both ticket portions are directed to the state lottery without any portion being directed to a non lottery party wherein prizes are associated and redeemed by the non lottery party. As such, Mullins cannot anticipate claims 1, 6 and 12 as amended.

A thorough review of Clapper, Jr., also uncovers that Clapper, Jr., is directed to a voucher having a portion resembling an instant lottery ticket. Unlike the present invention, the voucher is a guaranteed service (e.g., phone card) for which the buyer is purchasing. "The term "voucher" is used in a broad sense to therefore encompass coupons and ticket

of the like which evidence this expenditure which represents prepayment for a good or service..." (column 4, lines 35-38). In other words, there is only one game of chance associated with the ticket because the buyer of the ticket is purchasing the voucher and the respective service or good it represents. The present invention is directed to a two-part lottery ticket wherein each part of the ticket comprises a game of chance. As claimed in independent claims 1, 6 and 12, a first game of chance being directed to the state lottery prize and the second game of chance being directed to game of chance associated with a non lottery party prize (e.g., casino amenities) wherein prizes are associated and redeemed by the non lottery party. As such, Clapper, Jr., cannot anticipate claims 1, 6 and 12 as amended.

II. 35 U.S.C. § 103

Claims 2-5, 7-11 and 13 stand rejected as being unpatentable over Mullins in view of Clapper, Jr. For the reasons set forth below, applicant disputes the Examiner's position.

As set forth above relative to the Examiner's section 102 rejection of claims 1, 6 and 12, neither Mullins nor Clapper, Jr., disclose a two-part lottery ticket with a first game of chance being directed to the state lottery prize and a second game of chance being directed to the non lottery party prize (e.g., casino amenities) wherein prizes are associated and redeemed by the non lottery party. Mullins is a state lottery ticket having an instant component and a jackpot component, with both components run by the lottery, and Clapper, Jr., is a voucher having an instant game of chance associated therewith. As such, Mullins alone or in combination with Clapper, Jr., does not render obvious claims 2-5, 7-11 and 13.

III. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Appl. No. 10/731,326
Amdt. dated January 7, 2008
Reply to Office action of July 5, 2007

Greenberg Traurig
3773 Howard Hughes Pkwy.
Suite 500 North
Las Vegas, Nevada 89169

Telephone : 702-792-3773
Facsimile : 702 792-9002
E-mail : lvpto@gtlaw.com

Respectfully submitted,

By: 

Rob L. Phillips
Registration No. 40,305

Date: January 7, 2008